

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A gastric reduction device comprising:  
an expandable structure, placeable in a stomach, the expandable structure, when expanded, occupying a portion of the stomach;  
an evacuator that deflates the stomach around the expandable structure when the expandable structure is expanded to form a gastric reduction pouch, the evacuator deflating the stomach around the expandable structure while the expandable structure is inflated; and  
a fastener that secures an annular fold of the stomach adjacent a distal end of the expanded expandable structure to maintain the gastric reduction pouch, the fastener being positioned distal to the expandable structure when the fastener is initially secured to the annular fold of the stomach.
2. (original) The device of claim 1 wherein the expandable structure is placeable in the stomach immediately adjacent and distal to an esophageal orifice associated with the stomach.
3. (original) The device of claim 1 wherein the expandable structure comprises a balloon.
4. (original) The device of claim 1 wherein the expandable structure is an inflatable structure.
5. (original) The device of claim 4 wherein the inflatable structure is a compliant balloon.
6. (original) The device of claim 4 wherein the inflatable structure is a non-compliant balloon.

7. (Previously presented) The device of claim 1 wherein the evacuator extends distally from the expandable structure and terminates within the stomach.

8. (Previously presented) The device of claim 1 wherein the evacuator extends through the expandable structure, wherein the fastener is carried on the evacuator, and wherein the device further comprises a pusher that pushes the fastener through the expandable member.

9. (Previously presented) The device of claim 1 wherein the fastener inwardly folds stomach tissue to fasten serosa tissue to serosa tissue of the stomach.

10. (Previously presented) The device of claim 1 wherein the fastener comprises a cylindrically shaped member having opposed ends and tissue engaging arms radially extending from each of the opposed ends.

11. (Previously presented) The device of claim 1 wherein the evacuator comprises an endoscope that extends through the expandable structure.

12. (Previously presented) The device of claim 1 wherein the expandable structure forms a spherically shaped ring when expanded.

13. (original) The device of claim 12 wherein the spherically shaped ring includes an axial passageway and wherein the evacuator extends through the passageway.

14. (Currently Amended) A gastric reduction system, comprising:  
an expandable structure, placeable in a stomach and, when expanded, occupying a fractional volume of the stomach;

an evacuator that deflates the stomach and draws the stomach to and around the expandable structure to form a gastric reduction pouch with stomach tissue when the

expandable structure is expanded, the evacuator deflating the stomach around the expandable structure while the expandable structure is inflated;

a fastener that is operable to maintain the gastric reduction pouch and positioned at a distal end of the gastric pouch, the fastener being positioned distal to the expandable structure when the fastener is initially secured to maintain the gastric reduction pouch; and

a pusher, separate from the expandable structure, that pushes the fastener into a deployed position to maintain the gastric reduction pouch..

15. (original) The system of claim 14 wherein the expandable structure is placeable in the stomach immediately adjacent and distal to an esophageal orifice associated with the stomach.

16. (original) The system of claim 14 wherein the expandable structure comprises a balloon.

17. (original) The device of claim 14 wherein the expandable structure is an inflatable structure.

18. (original) The device of claim 17 wherein the inflatable structure is a compliant balloon.

19. (original) The device of claim 17 wherein the inflatable structure is a non-compliant balloon.

20. (Previously presented) The system of claim 14 wherein the evacuator extends distally from the expandable structure and terminates within the stomach.

21. (original) The system of claim 14 wherein the fastener inwardly folds stomach tissue to fasten serosa tissue to serosa tissue of the stomach.

22. (original) The system of claim 21 wherein the fastener comprises a cylindrically shaped member having opposed ends and tissue engaging arms radially extending from each of the opposed ends.

23. (original) The system of claim 21 wherein the fastener is carried by the evacuator.

24. (original) The system of claim 14 further comprising an endoscope that extends through the expandable member.

25. (Previously presented) The system of claim 14 wherein the expandable structure forms a spherically shaped ring when expanded.

26. (original) The system of claim 25 wherein the spherically shaped ring includes an axial passageway and wherein the evacuator extends through the passageway.

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